

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

May 20, 2021

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

**NATHANIEL KLARER
Defendant.**

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§

CRIMINAL NO.: 4:20-CR-300-S

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

Count One

(False Statements on ATF Form 4473)

On or about August 15, 2019 through February 12, 2020, in the Houston Division of the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Zeroed In Armory, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee Zeroed In Armory, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on August 15, 2019 through February 12, 2020 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on August 15, 2019 through February 12, 2020;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Two

(Dealing Firearms Without a License)

From on or about August 13, 2019 to on or about February 17, 2020, in the Southern District of Texas, Defendant,

NATHANIEL KLARER,

not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did willfully engage in the business of dealing in firearms.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

Count Three

(Dealing Firearms Without a License)

On or about February 17, 2020, in the Southern District of Texas,

NATHANIEL KLARER

defendant herein, in connection with the acquisition of a firearm, that is, three Walther PPS 9mm firearms, five Sig Sauer P238 380 caliber firearms, eleven Glock 19x 9mm firearms, six Mossberg MC1SC 9mm firearms, 3 Sig Sauer P365 9mm firearms and five Glock 43 9mm firearms, from Zeroed In Armory, knowingly made a false and fictitious written statement on a Form 4473 that was intended and likely to deceive Zeroed In Armory as to a fact material to the lawfulness of such sale of the said firearms to the Defendant, in that the Defendant represented on Form 4473 that he was the actual buyer of the firearm when, as he well knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6).

Count Four

(Dealing Firearms Without a License)

On or about February 5, 2020, in the Southern District of Texas,

NATHANIEL KLARER

defendant herein, in connection with the acquisition of a firearm, that is, nine Glock 19x 9mm firearms, 3 Glock 43x 9mm firearms, a Glock 48 9mm firearm, eleven Taurus G2C 9mm firearms and twenty Smith & Wesson M&P Bodyguard 380 caliber firearms, from Zeroed In Armory, knowingly made a false and fictitious written statement on a Form 4473 that was intended and likely to deceive Zeroed In Armory as to a fact material to the lawfulness of such sale of the said firearms to the Defendant, in that the Defendant represented on Form 4473 that he was the actual buyer of the firearm when, as he well knew, he was not the actual buyer of the firearm.

In violation of Title 18, United States Code, Sections 922(a)(6).

Count Five

(False Statements on ATF Form 4473)

On or about December 8, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Americana Arms, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee Americana Arms, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on December 8, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on December 8, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Six

(False Statements on ATF Form 4473)

On or about September 21, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Sparks Firearms LLC, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee Sparks Firearms LLC, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on September 21, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on September 21, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Seven

(False Statements on ATF Form 4473)

On or about September 21, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of STK Company, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee STK Company, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on September 21, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on September 21, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Eight

(False Statements on ATF Form 4473)

On or about September 9, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of AJC Sports Inc., a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee AJC Sports Inc., in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on September 9, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on September 9, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Nine

(False Statements on ATF Form 4473)

On or about September 5, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Dick's Sporting Goods, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee Dick's Sporting Goods, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on September 5, 2019

that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on September 5, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Ten

(False Statements on ATF Form 4473)

On or about September 3, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Collector's Firearms, Inc., a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms Licensee Collector's Firearms, Inc., in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on September 3, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on September 3, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

Count Eleven

(False Statements on ATF Form 4473)

On or about August 13, 2019, in the Southern District of Texas,

NATHANIEL KLARER,

the defendant herein, knowingly made a false statement and representation to an employee of Dick's Sporting Goods, a Federal Firearms Licensee which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18 of the United States Code to be kept in the records of the Federal Firearms

Licensee Dick's Sporting Goods, in that the defendant executed a Bureau of Alcohol, Tobacco, and Firearms Form 4473 (Firearms Transaction Record) to the effect that on August 13, 2019 that he, the defendant, lived at 9449 Briar Forest Drive, Apt. 1301, Houston, Texas 77063, whereas in truth and in fact, he did not live at that address on August 13, 2019;

In violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF CRIMINAL FORFEITURE

Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), the United States of America hereby gives notice that upon conviction of Lying on a 4473 Form, all firearms and ammunition involved in or used in a violation of Title 18, United States Code, Sections 924(a)(1)(a) are subject to forfeiture, including but not limited to:

- 1) 3 Anderson Manufacturing, Model AM-15, multi caliber firearms with serial numbers 19167230, 19169915 and 19215927.

A TRUE BILL:

Original Signature on File

FOREPERSON OF THE GRAND JURY

JENNIFER B. LOWERY
ACTING UNITED STATES ATTORNEY

BY: *Lisa M. Collins*
Lisa M. Collins
Assistant United States Attorney